

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 19-CR-575(FB)

Plaintiff, :

-against- : United States Courthouse
Brooklyn, New York

GEORGE CAMPOS, BENITO DIZENZO
and JOHN SIMONLACAJ, :

Defendants. : January 12, 2021
10:15 o'clock a.m.

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TRANSCRIPT OF PLEADING
BEFORE THE HONORABLE ROANNE MANN
UNITED STATES MAGISTRATE JUDGE.

APPEARANCES:

For the Government: SETH D. DuCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK
BY: KEITH EDELMAN
Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, New York

For Deft. G. Campos: FLORIAN MIEDEL, ESQ.

For Deft. B. Dizenzo: JAMES R. MONTELEON, ESQ.

For Deft. J. Simonlacaj: GLENN C. COLTON, ESQ.

Court Reporter: Charleane M. Heading
225 Cadman Plaza East
Brooklyn, New York
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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 (All present by videoconference including the
2 defendants.)

3 THE CLERK: Criminal cause for pleading. United
4 States versus George Campos, Benito Dizenzo, John Simonlacaj,
5 docket number 2018-CR-575.

6 Will counsel for the government please state their
7 appearance for the record?

8 MR. EDELMAN: Good morning, Your Honor. Keith
9 Edelman for the United States.

10 THE COURT: Good morning.

11 THE CLERK: And for defendant George Campos?

12 MR. MIEDEL: Good morning. Florian Miedel for
13 George Campos.

14 THE CLERK: And for Mr. Dizenzo?

15 MR. MONTELEON: James Monteleon for defendant Benito
16 Dizenzo.

17 THE COURT: Is that your client with you?

18 MR. MONTELEON: Yes, Your Honor.

19 THE COURT: Okay.

20 THE CLERK: And for Mr. Simonlacaj?

21 MR. COLTON: Good morning, Your Honor. Glenn Colton
22 from Arent Fox. I do have two of my associates just
23 observing. It's the first time they've gotten to see a video
24 plea and I ask the Court's permission to have them view, of
25 course with the cameras off and muted so they don't get in the

1 way.

2 THE COURT: Certainly. In fact, I would ask
3 everyone who is not speaking to please mute your audio.

4 I hope everyone is safe and healthy. Let me begin
5 this proceeding by having my law clerk, Mr. Proujansky,
6 administer the oath to the three defendants.

7 THE CLERK: Will the three defendants please raise
8 your right hand.

9 (The defendants were sworn by the Clerk.)

10 DEFENDANT G. CAMPOS: Yes.

11 DEFENDANT DIZENZO: Yes.

12 DEFENDANT SIMONLACAJ: Yes.

13 THE CLERK: Mr. Campos, can you state and spell your
14 last name for the record?

15 DEFENDANT G. CAMPOS: C-A-M-P-O-S.

16 THE CLERK: And Mr. Dizenzo, can you do the same?

17 DEFENDANT DIZENZO: Benito Dizenzo, B-E-N-I-T-O,
18 last name, D-I-Z-E-N-Z-O.

19 THE CLERK: And Mr. Simonlacaj?

20 DEFENDANT SIMONLACAJ: Sure. It's John Simonlacaj.
21 S-I-M-O-N-L-A-C-A-J.

22 THE COURT: Each of you should understand that
23 having been sworn, your answers to my questions will be
24 subject to the penalties of perjury if you do not answer
25 truthfully.

1 Do you understand that, Mr. Campos?

2 DEFENDANT G. CAMPOS: Yes.

3 THE COURT: Do you understand that, Mr. Dizenzo?

4 You have to unmute your microphone.

5 DEFENDANT DIZENZO: Yes, ma'am.

6 THE COURT: And do you understand what I just said,
7 Mr. Simonlacaj?

8 DEFENDANT SIMONLACAJ: Yes, Your Honor.

9 THE COURT: At the outset, I would note that we are
10 proceeding by way of videoconference. The courthouse is
11 essentially closed on account of the pandemic pursuant to an
12 order issued by the Chief Judge. I nevertheless want to make
13 sure that the defendants consent to proceed remotely rather
14 than waiting until the courthouse reopens.

15 Mr. Miedel, have you discussed this matter with your
16 client, Mr. Campos?

17 MR. MIEDEL: Yes.

18 THE COURT: And does he consent?

19 MR. MIEDEL: Yes.

20 THE COURT: Mr. Campos, do you consent to proceeding
21 by way of videoconference rather than awaiting the reopening
22 of the courthouse?

23 DEFENDANT G. CAMPOS: Yes.

24 THE COURT: Are you making this decision voluntarily
25 and of your own free will?

1 MR. CAMPOS: Yes.

2 THE COURT: Mr. Monteleon, have you discussed the
3 matter proceeding with your client, Mr. Dizenzo?

4 MR. MONTELEON: Yes, Your Honor.

5 THE COURT: Does he consent?

6 MR. MONTELEON: Yes, Your Honor.

7 THE COURT: Mr. Dizenzo, do you agree to proceed
8 remotely rather than waiting until the courthouse reopens?

9 DEFENDANT DIZENZO: Yes, Your Honor.

10 THE COURT: Are you making this decision voluntarily
11 and of your own free will?

12 DEFENDANT DIZENZO: Yes.

13 THE COURT: I'm getting feedback and an echo. Does
14 anyone else hear it?

15 THE CLERK: Yes. Mr. Campos and Mr. Miedel are in
16 the same room so if one of you could turn down their volume.

17 THE COURT: And, lastly, Mr. Colton, have you talked
18 with Mr. Simonlacaj about proceeding remotely?

19 MR. COLTON: Yes, I have, Your Honor.

20 THE COURT: Does he consent?

21 MR. COLTON: Yes, Your Honor.

22 THE COURT: Mr. Simonlacaj, do you agree to proceed
23 by videoconference rather than waiting until the courthouse
24 reopens?

25 DEFENDANT SIMONLACAJ: Yes, Your Honor.

1 THE COURT: Are you making this decision voluntarily
2 and of your own free will?

3 DEFENDANT SIMONLACAJ: Yes.

4 THE COURT: I find that the consent of each of the
5 three defendants is knowing, intelligent and voluntary. I
6 further find that proceeding remotely serves the interest of
7 justice in light of the global pandemic and the health risks
8 for proceeding remotely at this time.

9 I have before me three forms titled "Consent to have
10 a plea taken before a United States Magistrate Judge," each
11 one from each of the, one from each of the three defendants
12 currently before me.

13 Mr. Campos, I don't know if you can see it but I
14 have the signed form that purports to have your signature on
15 it. Did you, in fact, sign such a consent form?

16 DEFENDANT G. CAMPOS: Yes.

17 THE COURT: And did you talk with your attorney
18 about consenting to have a Magistrate Judge take the plea?

19 DEFENDANT G. CAMPOS: Yes.

20 THE COURT: And do you make this decision
21 voluntarily and of your own free will?

22 DEFENDANT G. CAMPOS: Yes, I do.

23 THE COURT: Mr. Dizenzo, I have a form that purports
24 to have your signature, I don't know if you can see it, but
25 did you sign the form?

1 DEFENDANT DIZENZO: Yes.

2 THE COURT: And you discussed it with your attorney?

3 DEFENDANT DIZENZO: Yes.

4 THE COURT: And are you making this decision
5 voluntarily and of your own free will?

6 DEFENDANT DIZENZO: Yes.

7 THE COURT: And, lastly, Mr. Simonlacaj, I have your
8 form before me. It has what I believe is your electronic
9 signature. Am I correct that you electronically signed one of
10 these consent forms?

11 DEFENDANT SIMONLACAJ: Yes, Your Honor.

12 THE COURT: And did you first speak with your
13 attorney about this matter?

14 DEFENDANT SIMONLACAJ: Yes.

15 THE COURT: And are you making this decision
16 voluntarily and of your own free will?

17 DEFENDANT SIMONLACAJ: Yes.

18 THE COURT: I want to make sure that each of the
19 three defendants understands what they've agreed to by signing
20 these consent forms. This is Judge Block's case. He's the
21 judge who will sentence the three of you and will make the
22 ultimate decision as to whether to accept your guilty pleas.
23 If you wish, you have the absolute right to have Judge Block
24 listen to your plea and if you choose to do that, there will
25 be no prejudice or harm to you.

1 Do you understand that, Mr. Campos?

2 DEFENDANT G. CAMPOS: Yes.

3 THE COURT: Do you understand that, Mr. Dizenzo?

4 DEFENDANT DIZENZO: Yes.

5 THE COURT: Do you understand that, Mr. Simonlacaj?

6 DEFENDANT SIMONLACAJ: Yes.

7 THE COURT: On the other hand, if you wish, I will
8 listen to your plea. I am the United States Magistrate Judge.
9 This proceeding is being recorded. There is a court reporter
10 present. The court reporter will make a transcript of the
11 proceeding. Judge Block will review the transcript to decide
12 whether to accept your plea. He will also review it in
13 connection with your sentence.

14 Do you understand that, Mr. Campos?

15 DEFENDANT G. CAMPOS: Yes, Your Honor.

16 THE COURT: Do you understand that, Mr. Dizenzo?

17 DEFENDANT DIZENZO: Yes.

18 THE COURT: Do you understand that, Mr. Simonlacaj?

19 THE DEFENDANT: Yes.

20 THE COURT: Understanding what I've just said, do
21 you still wish to give up your right to have Judge Block
22 listen to the plea and are you prepared to proceed before me
23 at this time?

24 Mr. Campos?

25 DEFENDANT G. CAMPOS: Yes.

1 THE COURT: Mr. Dizenzo?

2 DEFENDANT DIZENZO: Yes.

3 THE COURT: Mr. Simonlacaj?

4 DEFENDANT SIMONLACAJ: Yes.

5 THE COURT: Have any promises or threats been made

6 to you to get you to agree to have me hear your plea?

7 Mr. Campos?

8 DEFENDANT G. CAMPOS: No.

9 THE COURT: Mr. Dizenzo?

10 DEFENDANT DIZENZO: No.

11 THE COURT: I find that the consent of each of these

12 three defendants is knowing, intelligent and voluntary and,

13 therefore, I am prepared to proceed.

14 Addressing the three defendants before accepting
15 your guilty plea, there are a number of questions that I have
16 to ask you to make sure that it's a valid plea. If you don't
17 understand any of my questions, please say so and I'll reword
18 the question.

19 Starting with Mr. Campos, how old are you, sir?

20 DEFENDANT G. CAMPOS: Seventy-three.

21 THE COURT: How far did you go in school?

22 DEFENDANT G. CAMPOS: I didn't graduate high school
23 so I -- the 9th, the 10th.

24 THE COURT: Grades?

25 DEFENDANT G. CAMPOS: I don't remember exactly.

1 THE COURT: Ninth or 10th grade?

2 MR. CAMPOS: Hello?

3 THE COURT: Ninth or 10th grade?

4 DEFENDANT G. CAMPOS: Yes.

5 THE COURT: Have you had any difficulty
6 communicating with your attorney?

7 DEFENDANT G. CAMPOS: Excuse me?

8 THE COURT: Have you had any difficulty
9 communicating with your attorney?

10 DEFENDANT G. CAMPOS: Not at all.

11 THE COURT: Are you now or have you recently been
12 under the care of a doctor or psychiatrist?

13 DEFENDANT G. CAMPOS: Well, medical doctor but not a
14 psychiatrist.

15 THE COURT: And what problem, medical problem or
16 condition are you being treated for?

17 DEFENDANT G. CAMPOS: Well, now I'm just on
18 medication for my heart. I had a stent put in and I had a
19 little surgery, I forgot, not on the heart itself, about a
20 year ago.

21 THE COURT: How long ago?

22 DEFENDANT G. CAMPOS: About a year ago.

23 THE COURT: And what medications are you taking for
24 your heart, prescription medications?

25 DEFENDANT G. CAMPOS: Yes.

1 THE COURT: And within the past 24 hours, have you
2 taken those prescribed medications in the prescribed doses?

3 DEFENDANT G. CAMPOS: Yes.

4 THE COURT: Other than those prescribed medications,
5 within the past 24 hours, have you taken any drugs, narcotics,
6 medicine or pills or drunk any alcoholic beverages?

7 DEFENDANT G. CAMPOS: No.

8 THE COURT: Have you ever been hospitalized or
9 treated for substance abuse or for any mental or emotional
10 problem?

11 DEFENDANT G. CAMPOS: No.

12 THE COURT: Is your mind clear now?

13 DEFENDANT G. CAMPOS: Yes.

14 THE COURT: Do you understand what's going on here
15 now?

16 DEFENDANT G. CAMPOS: Yes, I do.

17 THE COURT: All right. Turning now to Mr. Dizenzo,
18 how old are you?

19 DEFENDANT DIZENZO: Fifty-four.

20 THE COURT: How far did you go in school?

21 DEFENDANT DIZENZO: Two years of community college.

22 THE COURT: Have you had any difficulty
23 communicating with your attorney?

24 DEFENDANT DIZENZO: No.

25 THE COURT: Are you now or have you recently been in

1 the care of a physician or psychiatrist?

2 DEFENDANT DIZENZO: No.

3 THE COURT: In the past 24 hours, have you taken any
4 drugs, narcotics, medicine or pills or drunk any alcoholic
5 beverages?

6 DEFENDANT DIZENZO: No.

7 THE COURT: Have you ever been hospitalized for
8 substance abuse or for any mental or emotional problems?

9 DEFENDANT DIZENZO: No.

10 THE COURT: Is your mind clear now?

11 DEFENDANT DIZENZO: Yes.

12 THE COURT: Do you understand what's going on here
13 today?

14 DEFENDANT DIZENZO: Yes.

15 THE COURT: Mr. Simonlacaj, how old are you?

16 Mr. Simonlacaj, how old are you?

17 DEFENDANT SIMONLACAJ: Fifty-one, Your Honor.

18 THE COURT: How far did you go in school?

19 DEFENDANT SIMONLACAJ: I have a Bachelor's degree in
20 management.

21 THE COURT: Have you had any difficulty
22 communicating with your attorney?

23 DEFENDANT SIMONLACAJ: No, not at all.

24 THE COURT: Are you now or have you recently been
25 under the care of a doctor or psychiatrist?

1 DEFENDANT SIMONLACAJ: Doctor, Your Honor,
2 cardiologist.

3 THE COURT: You are currently under the care of a
4 cardiologist?

5 DEFENDANT SIMONLACAJ: Yes, ma'am.

6 THE COURT: And have you had any surgery related to
7 your heart?

8 DEFENDANT SIMONLACAJ: No.

9 THE COURT: I'm sorry. I couldn't hear you.

10 DEFENDANT SIMONLACAJ: No.

11 THE COURT: Are you taking any prescribed
12 medications for your heart?

13 DEFENDANT SIMONLACAJ: Just aspirin daily.

14 THE COURT: And other than the aspirin -- you took
15 the aspirin within the last 24 hours?

16 DEFENDANT SIMONLACAJ: Yes.

17 THE COURT: Other than the aspirin, within the last
18 24 hours, have you taken any drugs, narcotics, medicine or
19 pills or drunk any alcoholic beverages?

20 DEFENDANT SIMONLACAJ: No, Your Honor.

21 THE COURT: Have you ever been hospitalized or
22 treated for substance abuse or for any mental or emotional
23 problem?

24 DEFENDANT SIMONLACAJ: No.

25 THE COURT: Is your mind clear now?

1 DEFENDANT SIMONLACAJ: Yes.

2 THE COURT: Do you understand what's going on here
3 now?

4 DEFENDANT SIMONLACAJ: Yes.

5 THE COURT: Addressing the three defense attorneys
6 now, have you discussed the matter of pleading guilty with
7 your client?

8 Mr. Miedel?

9 MR. MIEDEL: Yes, I have. Yes, I have.

10 THE COURT: Why don't I continue and with Mr. Miedel
11 and then I'll do the other two.

12 Mr. Miedel, in your view, does Mr. Campos understand
13 the rights he will be waiving by pleading guilty?

14 MR. MIEDEL: Yes, he does.

15 THE COURT: Is he capable of understanding the
16 nature of these proceedings?

17 MR. MIEDEL: Yes, he is.

18 THE COURT: Do you have any doubt as to his
19 competence to plead at this time?

20 MR. MIEDEL: I do not.

21 THE COURT: Have you advised him of the maximum
22 sentence and fine that can be imposed and have you discussed
23 with him the effect of the sentencing guidelines?

24 MR. MIEDEL: Yes.

25 THE COURT: Mr. Monteleon, have you discussed the

1 matter of pleading guilty with Mr. Dizenzo?

2 DEFENDANT DIZENZO: Yes, Your Honor.

3 THE COURT: In your view, does it seem he
4 understands the rights he will be waiving by pleading guilty?

5 MR. MONTELEON: Yes, Your Honor.

6 THE COURT: Is he capable of understanding the
7 nature of these proceedings?

8 MR. MONTELEON: Yes, Your Honor.

9 THE COURT: Do you have any doubt as to his
10 competence to plead at this time?

11 MR. MONTELEON: No, I don't, Your Honor.

12 THE COURT: Have you advised him of the maximum
13 fines that can be imposed and have you discussed with him the
14 sentencing guidelines?

15 MR. MONTELEON: Yes, I have, Your Honor.

16 THE COURT: All right. If you could please mute
17 your audio.

18 Mr. Colton, have you discussed the matter of
19 pleading guilty with Mr. Simonlajaj?

20 MR. COLTON: Yes, Your Honor.

21 THE COURT: In your view, dose he understand the
22 rights he will be waiving by pleading guilty?

23 MR. COLTON: Yes, Your Honor.

24 THE COURT: Is he capable of understanding the
25 nature of these proceedings?

1 MR. COLTON: Yes, Your Honor.

2 THE COURT: Do you have any doubt as to his
3 competence to plead at this time?

4 MR. COLTON: No, Your Honor.

5 THE COURT: Have you advised him of the maximum
6 sentence and fine that can be imposed and have you discussed
7 with him the effect of the sentencing guidelines?

8 MR. COLTON: Yes, Your Honor.

9 THE COURT: Turning back to the three defendants,
10 and with respect to Mr. Dizenzo, please unmute your audio only
11 when you specifically are answering my question.

12 Have you each had an opportunity to discuss your
13 case with your attorney and are you satisfied to have him
14 represent you?

15 Mr. Campos?

16 DEFENDANT G. CAMPOS: Yes.

17 THE COURT: Mr. Dizenzo?

18 DEFENDANT DIZENZO: Yes.

19 THE COURT: Mr. Simonlacaj?

20 DEFENDANT SIMONLACAJ: Yes.

21 THE COURT: Have you each received a copy of the
22 indictment that has been filed against you and have you
23 consulted with your attorney about the indictment?

24 Mr. Campos?

25 DEFENDANT G. CAMPOS: Yes.

1 THE COURT: Mr. Dizenzo?

2 DEFENDANT DIZENZO: Yes.

3 THE COURT: Mr. Simonlacaj?

4 DEFENDANT SIMONLACAJ: Yes.

5 THE COURT: I am now going to explain to each of you
6 the count that I understand you are prepared to plead guilty
7 to.

8 Mr. Campos, I understand that you are prepared to
9 plead guilty to Count 10 of the indictment which charges you
10 with making, with participating in a conspiracy to make false
11 statements.

12 More specifically, that count, Count 10, charges, in
13 substance, that between approximately January of 2018 and June
14 of 2019, you and others knowingly and intentionally conspired
15 or agreed to make false and fraudulent statements within the
16 jurisdiction, within the DOL of the OSHA Outreach training
17 program in that you agreed to state and represent that certain
18 individuals had obtained, had attended certain OTP courses
19 when, in fact, as you knew, the individuals had not attended
20 those courses. It is further alleged that certain acts were
21 taken to accomplish the goals of that conspiracy.

22 In order to prove you guilty of that offense, the
23 government would have to prove the following beyond a
24 reasonable doubt. First, that during that approximate time
25 period, as alleged in Count Ten, you and others conspired or

1 agreed to commit a federal offense. The government would
2 further have to prove that that offense was to make false
3 statements.

4 Specifically, the government would have to prove
5 that during the approximate dates charged in the indictment,
6 you and others were to falsify a fact; second, that the fact
7 that was to be falsified was a material one; third, that you
8 and others did, were to do so by trick, scheme or device;
9 fourth, that you acted knowingly and intentionally and not
10 because of some mistake or innocent reason; fifth, that the
11 falsification, concealment or coverup was with respect to a
12 matter within the jurisdiction of the government of the United
13 States, here, the United States Department of Labor,
14 Occupational and Safety Health Act Outreach training program.
15 In addition, the government would have to prove that you or
16 one of your co-conspirators committed an overt act, that is,
17 took a step to further the conspiracy that is alleged in
18 Count Ten of the indictment.

19 Mr. Campos, do you understand that charge?

20 DEFENDANT G. CAMPOS: Yes.

21 THE COURT: Mr. Dizenzo, I understand that you are
22 prepared to plead guilty to Count 18 of the indictment. That
23 count charges a wire fraud conspiracy relating to a
24 construction company known as --

25 MR. MONTELEON: Judge, if I may, you broke up a

1 little bit. Can you just give us the count again?

2 THE COURT: Yes. Count 18, a wire fraud conspiracy
3 involving Construction Company Number 2.

4 More specifically, Count 18 alleges that between
5 approximately December of 2008 and June of 2019, you and
6 others knowingly and intentionally conspired or agreed to
7 devise a scheme and artifice to defraud Construction Company
8 Number 2, including depriving the construction company of its
9 right to honor services and also to obtain money and property
10 from that company by means of materially false and fraudulent
11 representations and that for the purpose of executing that
12 scheme, the wire communications in interstate commerce were
13 used, specifically interstate e-mails.

14 In order to prove you guilty of that offense, the
15 government would have to prove the following beyond a
16 reasonable doubt.

17 First, during the approximate time period alleged in
18 Count 18, you conspired or agreed with others to violate the
19 wire fraud statute and in order to prove that a legal
20 objective, the government would have to establish the
21 following beyond a reasonable doubt: That you and others
22 agreed to participate in a scheme or artifice to defraud
23 Construction Company Number 2 of property or its right to
24 honor services of its employees by using false and fraudulent
25 representations; second, that you acted knowingly and with

1 intent to defraud; third, that the misrepresentation or
2 omission was material and, fourth, the government would have
3 to prove the use of the wires in furthering that scheme
4 including using interstate e-mails.

5 Do you understand Count 18 of the indictment?

6 DEFENDANT DIZENZO: Yes.

7 THE COURT: And Mr. Simonlacaj, I understand that
8 you are prepared to plead guilty to Count 21 of the indictment
9 which charges you with submitting a false tax return.

10 More specifically, it alleges that on approximately
11 March 15th of 2019, you and others knowingly and willfully
12 made and subscribed a false 1040 tax return for the tax year
13 2018 which was verified by a written declaration that it was
14 made under the penalties of perjury and which was filed with
15 the IRS and knowing that it was not true and correct as to one
16 or more material matters in that the income tax return falsely
17 reported a total income of almost \$534,000, whereas, as you
18 knew at the time, your total income was substantially greater
19 than the reported amount.

20 In order to prove you guilty of that offense, the
21 government would have to prove the following beyond a
22 reasonable doubt.

23 First, that on or about the time alleged in the
24 complaint, you subscribed, that is, signed and filed a U.S.
25 1040 tax return; second, that the return contained a written

1 declaration, that it was made under penalty of perjury; third,
2 that you did not believe the return to be true and correct as
3 to every material matter; and, fourth, that you acted
4 knowingly and intentionally and not because of some mistake or
5 innocent reason.

6 Do you understand that charge?

7 DEFENDANT SIMONLACAJ: Yes, Your Honor.

8 THE COURT: And have you discussed that charge with
9 your attorney?

10 DEFENDANT SIMONLACAJ: Yes, I have.

11 THE COURT: Addressing all three defendants and,
12 again, Mr. Dizenzo, please unmute your audio only when you are
13 responding to the questions. I want to explain to each of you
14 the rights that you will be giving up by pleading guilty but
15 the most important thing that you have to understand is that
16 you do not have to plead guilty. You have an absolute right
17 to plead not guilty even if you are guilty.

18 Do you understand that, Mr. Campos?

19 DEFENDANT G. CAMPOS: Yes.

20 THE COURT: Do you understand that, Mr. Dizenzo?

21 DEFENDANT DIZENZO: Yes.

22 THE COURT: Do you understand that, Mr. Simonlacaj?

23 DEFENDANT SIMONLACAJ: Yes, Your Honor.

24 THE COURT: If you plead not guilty, then under the
25 constitution and laws of the United States, you are entitled

1 to a speedy and public trial by a jury with the assistance of
2 counsel on the charges contained in the indictment against
3 you.

4 Do you understand that, Mr. Campos?

5 DEFENDANT G. CAMPOS: Yes.

6 THE COURT: Do you understand that, Mr. Dizenzo?
7 Mr. Dizenzo?

8 DEFENDANT DIZENZO: Yes. Yes.

9 THE COURT: Do you understand that, Mr. Simonlacaj?

10 DEFENDANT SIMONLACAJ: Yes, Your Honor.

11 THE COURT: You have the right to be represented by
12 an attorney at every stage of the proceeding including trial
13 and if you cannot afford counsel, you have the right to have
14 the court appoint an attorney to represent you at no charge to
15 you.

16 Do you understand that, Mr. Campos?

17 DEFENDANT G. CAMPOS: Yes.

18 THE COURT: Do you understand that, Mr. Dizenzo?

19 DEFENDANT DIZENZO: Yes.

20 THE COURT: Do you understand that, Mr. Simonlacaj?

21 DEFENDANT SIMONLACAJ: Yes, Your Honor.

22 THE COURT: At the trial, you would be presumed to
23 be innocent and the government would have to overcome that
24 presumption and prove you guilty by competent evidence and
25 beyond a reasonable doubt. You would not have to prove that

1 you were innocent and if the government fails to prove you
2 guilty beyond a reasonable doubt, the jury would have the duty
3 to find you not guilty.

4 Do you understand that, Mr. Campos?

5 DEFENDANT G. CAMPOS: Yes.

6 THE COURT: Do you understand that, Mr. Dizenzo?

7 DEFENDANT DIZENZO: Yes.

8 THE COURT: Do you understand that, Mr. Simonlacaj?

9 DEFENDANT SIMONLACAJ: Yes, Your Honor.

10 THE COURT: In the course of the trial, the
11 witnesses for the government would have to come to court and
12 testify in your presence and your attorney would have the
13 right to cross-examine the witnesses for the government and
14 object to evidence offered by the government, to offer
15 evidence on your behalf and to compel the attendance of
16 witnesses.

17 Do you understand that, Mr. Campos?

18 DEFENDANT G. CAMPOS: Yes.

19 THE COURT: Do you understand that, Mr. Dizenzo?

20 DEFENDANT DIZENZO: Yes.

21 THE COURT: Do you understand that, Mr. Simonlacaj?

22 DEFENDANT SIMONLACAJ: Yes, Your Honor.

23 THE COURT: At a trial, while you would have the
24 right to testify if you chose to do, you could you not be
25 required to testify. Under the constitution of the United

1 States, you cannot be compelled to incriminate yourself. If
2 you decided not to testify, the court would, at your lawyers'
3 request, instruct the jurors that they could not hold that
4 against you.

5 Do you understand that, Mr. Campos?

6 DEFENDANT G. CAMPOS: Yes.

7 THE COURT: Do you understand that, Mr. Dizenzo?

8 DEFENDANT DIZENZO: Yes.

9 THE COURT: Do you understand that, Mr. Simonlacaj?

10 DEFENDANT SIMONLACAJ: Yes, Your Honor.

11 THE COURT: If you plead guilty and the court
12 accepts your plea, you will be giving up your constitutional
13 rights to a trial and the other rights that I have just
14 discussed. There will be no further trial of any kind and no
15 right of appeal from the judgment of guilty. The court will
16 simply enter a judgment of guilty on the basis of your guilty
17 plea.

18 Do you understand that, Mr. Campos?

19 DEFENDANT G. CAMPOS: Yes.

20 THE COURT: Do you understand that, Mr. Dizenzo?

21 DEFENDANT DIZENZO: Yes.

22 THE COURT: Do you understand that, Mr. Simonlacaj?

23 DEFENDANT SIMONLACAJ: Yes, Your Honor.

24 THE COURT: If you plead guilty, I will have to ask
25 you questions about what you did in order to satisfy myself

1 and Judge Block that you are, in fact, guilty of the charge to
2 which you seek to plead guilty and you will have to answer my
3 questions and admit your guilt. In that way, you will be
4 giving up your right not to incriminate yourself.

5 Do you understand that, Mr. Campos?

6 DEFENDANT G. CAMPOS: Yes.

7 THE COURT: Do you understand that, Mr. Dizenzo?

8 DEFENDANT DIZENZO: Yes.

9 THE COURT: Do you understand that, Mr. Simonlacaj?

10 DEFENDANT SIMONLACAJ: Yes, Your Honor.

11 THE COURT: Understanding what I have just said, are
12 you still willing to give up your right to a trial and the
13 other rights that I have just discussed?

14 Mr. Campos?

15 DEFENDANT G. CAMPOS: Yes.

16 THE COURT: Mr. Dizenzo?

17 DEFENDANT DIZENZO: Yes.

18 THE COURT: Mr. Simonlacaj?

19 DEFENDANT SIMONLACAJ: Yes, Your Honor.

20 THE COURT: Turning first to Mr. Campos, I have
21 before me a plea agreement that will be marked Court
22 Exhibit 1.

23 Turning to the last page of that document, have you
24 reviewed your plea agreement with the government, have you
25 read it in its entirety, discussed it with your attorney and

1 signed the document?

2 DEFENDANT G. CAMPOS: Yes.

3 THE COURT: Does Court Exhibit 1 fully and
4 accurately reflect your understanding of the agreement you
5 have reached with the government concerning your guilty plea?

6 DEFENDANT G. CAMPOS: Yes.

7 THE COURT: Other than the promises contained in
8 this document, has anyone made any promise to you that has
9 caused you to plead guilty?

10 DEFENDANT G. CAMPOS: No.

11 THE COURT: Has anyone made any promise to you as to
12 what your sentence will be?

13 DEFENDANT G. CAMPOS: No.

14 THE COURT: Turning now to Mr. Dizenzo, I'm going to
15 mark your plea agreement as Court Exhibit 2.

16 Have you read that document in its entirety and
17 discussed it with your attorney and signed it?

18 DEFENDANT DIZENZO: Yes.

19 THE COURT: Does this document fully and accurately
20 reflect your understanding of the agreement you have reached
21 with the government concerning your guilty plea?

22 DEFENDANT DIZENZO: Yes.

23 THE COURT: Other than the promises contained in
24 this document, has anyone made any promises that caused you to
25 plead guilty?

1 DEFENDANT DIZENZO: No.

2 THE COURT: Has anyone made any promises as to when
3 your sentence will be?

4 DEFENDANT DIZENZO: No.

5 THE COURT: Turning now to Mr. Simonlacaj, I am
6 going to mark your plea agreement as Court Exhibit 3.

7 Have you read this entire document, discussed it
8 with your attorney and signed it?

9 DEFENDANT SIMONLACAJ: Yes.

10 THE COURT: Does this document fully and accurately
11 reflect your understanding of the agreement you have reached
12 with the government concerning your guilty plea?

13 DEFENDANT SIMONLACAJ: Yes.

14 THE COURT: Other than the promises contained in
15 this document, has anyone made any promise that has caused you
16 to plead guilty?

17 DEFENDANT SIMONLACAJ: No.

18 THE COURT: Has anyone made any promise to you as to
19 what your sentence will be?

20 DEFENDANT SIMONLACAJ: No.

21 THE COURT: I now want to explain to each of you
22 what the sentencing scheme is that is applicable to the count
23 to which you are pleading guilty. I will start with
24 Mr. Campos.

25 The statute that you are accused of violating in

1 Count 10 of the indictment carries a prison term of up to
2 five years. Do you understand that?

3 DEFENDANT G. CAMPOS: Yes.

4 THE COURT: In addition to a prison term, the
5 sentencing court can also impose a supervised release term of
6 up to three years. The supervised release term will follow
7 any term of imprisonment and if you violate a condition of
8 supervised release, you could then be sent back to prison for
9 up to an additional two years. If that happens, you would not
10 receive credit for time already spent in prison nor will you
11 receive credit for time previously served on post-release
12 supervision. Do you understand that?

13 DEFENDANT CAMPOS: Yes.

14 THE COURT: In addition, the sentencing court can
15 also impose a fine of up to \$250,000. Do you understand that?

16 DEFENDANT G. CAMPOS: I didn't hear that.

17 THE COURT: I said that the court can also impose a
18 fine of up to \$250,000. Do you understand that?

19 DEFENDANT G. CAMPOS: Yes.

20 THE COURT: The sentencing court will impose a
21 mandatory \$100 special assessment. Do you understand that?

22 DEFENDANT G. CAMPOS: Yes.

23 THE COURT: I'm now going to address Mr. Dizenzo.
24 Please leave your phone muted until I ask you to speak.

25 The offense to which you are seeking to plead

1 guilty, Count 18, carries a prison term of up to 20 years.

2 Do you understand that?

3 DEFENDANT DIZENZO: Yes.

4 THE COURT: Please mute your phone again.

5 In addition to a prison term, the sentencing court
6 can also impose a supervised release term of up to
7 three years. Again, as I indicated to Mr. Campos, the
8 supervised release term will follow any term of imprisonment.
9 If you violate a condition of supervised release, you could
10 then be sent back to prison for up to an additional two years.
11 If that happens, you would not receive credit for time already
12 spent in prison, nor would you receive credit for time spent
13 on post-release supervision. Do you understand that?

14 DEFENDANT DIZENZO: Yes.

15 THE COURT: The sentencing court can also require
16 that you pay restitution to the victim or victims of your
17 offense. Do you understand that?

18 DEFENDANT DIZENZO: Yes.

19 THE COURT: And Mr. Edelman, I am going to ask you
20 if you have calculated an estimate as to the full amount of
21 the losses.

22 MR. EDELMAN: We have, Your Honor.

23 THE COURT: And what is that amount?

24 MR. EDELMAN: For which count?

25 THE COURT: Well, for the count to which he has

1 pleading guilty unless he has agreed to pay more restitution
2 than that.

3 MR. EDELMAN: No. For Mr. Dizenzo, at this time,
4 the government estimates that it's at least \$40,000.

5 THE COURT: All right. Mr. Dizenzo, the government
6 indicates that it estimates that the full amount of the
7 victims' losses in connection with Count 18 to which you are
8 pleading guilty is \$40,000. It will be up to Judge Block to
9 determine whether or not to impose restitution. Well, it says
10 it is mandatory. It will be up to Judge Block to determine
11 the amount if there is a dispute about the amount.

12 Do you understand that, Mr. Dizenzo?

13 DEFENDANT DIZENZO: Yes, Your Honor.

14 MR. MONTELEON: If I may say one thing, Your Honor.
15 We do dispute the amount. We've had discussions with
16 Mr. Edelman but we do dispute that amount.

17 THE COURT: I would just note for the record that
18 that was Mr. Monteleon speaking.

19 And Mr. Dizenzo, the sentencing court will also
20 impose a mandatory \$100 special assessment. Do you understand
21 that?

22 DEFENDANT DIZENZO: Yes, Your Honor.

23 THE COURT: Mr. Simonlaj, the offense to which you
24 are seeking to plead guilty in Count 21 carries a maximum term
25 of imprisonment of three years. Do you understand that?

1 DEFENDANT SIMONLACAJ: Yes, Your Honor.

2 THE COURT: In addition to a prison term, the
3 sentencing court can also impose a supervised release term of
4 up to one year. The supervised release term will follow any
5 term of imprisonment and if you violate a condition of
6 supervised release, you could then be sent back to prison for
7 up to one year. Again, if that happens, you would not receive
8 credit for time already spent in prison nor would you receive
9 credit for time previously served on post-release supervision.

10 Do you understand that?

11 DEFENDANT SIMONLACAJ: Yes, Your Honor.

12 THE COURT: The sentencing court can also impose a
13 fine of up to \$100,000. Do you understand that?

14 DEFENDANT SIMONLACAJ: Yes, Your Honor.

15 THE COURT: And Mr. Edelman, what is the
16 government's estimate of the victims' losses, in this case, it
17 would be the IRS, in connection with the offense in Count 21?

18 MR. EDELMAN: Your Honor, as to this count, we
19 haven't come to a final determination. Mr. Colton has
20 provided us with evidence which he believes shows that there's
21 no longer any restitution owed so that is something we'll
22 explore when we get to sentencing.

23 THE COURT: All right. Mr. Simonlacaj, there is
24 mandatory restitution required in connection with a conviction
25 on this count. Mr. Edelman has indicated that it is your

1 position and your lawyer's position that you no longer owe any
2 amount to the IRS, but if there is a dispute about that
3 matter, it will be up to Judge Block to resolve the dispute
4 and to determine the amount of restitution owed.

5 Do you understand that?

6 DEFENDANT SIMONLACAJ: Yes, Your Honor.

7 THE COURT: The court will impose a mandatory \$100
8 special assessment in connection with your conviction. Do you
9 understand that?

10 DEFENDANT SIMONLACAJ: Yes, Your Honor.

11 THE COURT: Another consequence of your conviction
12 on a tax violation is the imposition of the cost of
13 prosecution. Do you understand that?

14 DEFENDANT SIMONLACAJ: Yes, Your Honor.

15 THE COURT: I now want to talk with all three of you
16 about the sentencing guidelines.

17 Under the Sentencing Reform Act of 1984, the United
18 States Sentencing Commission has issued guidelines for judges
19 to consider in determining the sentence in a criminal case.
20 In determining the sentence, the court is obligated to
21 calculate the applicable sentencing guideline range and to
22 consider that range, possible departures under the guidelines
23 and other sentencing factors including those specified by
24 statute.

25 Have you talked with your lawyer about how the

1 guidelines might apply to your case?

2 Mr. Campos?

3 DEFENDANT G. CAMPOS: Yes.

4 THE COURT: Mr. Dizenzo?

5 DEFENDANT DIZENZO: Yes.

6 THE COURT: Mr. Simonlacaj?

7 DEFENDANT SIMONLACAJ: Yes, Your Honor.

8 THE COURT: Each of you should understand that
9 Judge Block will not be able to determine the guideline
10 sentence for your case until after the Probation Department
11 has prepared a presentence report and you and your attorney
12 have had an opportunity to read it and to challenge the facts
13 reported by the Probation Officer.

14 Do you understand that, Mr. Campos?

15 DEFENDANT G. CAMPOS: Yes.

16 THE COURT: Do you understand that, Mr. Dizenzo?

17 DEFENDANT DIZENZO: Yes.

18 THE COURT: Do you understand that, Mr. Simonlacaj?

19 DEFENDANT SIMONLACAJ: Yes, Your Honor.

20 THE COURT: You should also understand that after it
21 has been determined what guideline applies to a case, the
22 judge has the authority to impose a sentence that is more
23 severe or less severe than the sentence called for by the
24 guidelines depending on what is a reasonable sentence.

25 Do you understand that, Mr. Campos?

1 DEFENDANT G. CAMPOS: Yes.

2 THE COURT: Do you understand that, Mr. Dizenzo?

3 DEFENDANT DIZENZO: Yes.

4 THE COURT: Do you understand that, Mr. Simonlacaj?

5 DEFENDANT SIMONLACAJ: Yes, Your Honor.

6 THE COURT: All right. Addressing the guidelines
7 calculation for Mr. Campos first, I'm going to ask the
8 prosecutor and defense counsel, and we will do it for each
9 defendant, what the guideline range for that particular
10 defendant is likely to be, but I want all three of you to keep
11 in mind that these estimates are simply estimates. They are
12 not binding upon Judge Block even if both the prosecutor and
13 your lawyer happen to be in agreement.

14 Turning first to Mr. Campos' plea agreement -- well,
15 before I address Mr. Campos specifically, there is one
16 provision that applies to all three of you that I want to
17 bring to your attention and that is that the government's
18 calculations as set forth in each of the plea agreements
19 indicate that there will be a 2 level reduction for a global
20 resolution of the entire case, but the 2 level reduction
21 applies only if all the conditions set forth in paragraph 8
22 have been established. Among other things, it means that all
23 12 defendants who are named in the same indictment must plead
24 guilty by the end of this week and I can assure you that I
25 have 12 guilty pleas scheduled before me this week. So,

1 certainly, it's the court's expectation that will be done.

2 Turning back now to Mr. Campos' plea agreement, the
3 government has calculated an adjusted offense level of 4.
4 Taking into account the global resolution and with another 2
5 level reduction for acceptance of responsibility, that would
6 result in a range of imprisonment of zero to 6 months assuming
7 that Mr. Campos falls within Criminal History Category I.

8 Correct?

9 MR. EDELMAN: That's correct, Your Honor.

10 THE COURT: And Mr. Miedel, you stipulated to that
11 guideline stipulation, correct?

12 MR. MIEDEL: That is correct.

13 THE COURT: And Mr. Campos, you understand those
14 calculations?

15 DEFENDANT G. CAMPOS: Yes.

16 THE COURT: Turning now to Mr. Dizenzo's agreement,
17 according to paragraph 2 of Court Exhibit 2, the government
18 has calculated an adjusted offense level of 11 taking into
19 account a 2 point reduction for acceptance of responsibility.
20 With a further 2 level reduction for acceptance of
21 responsibility, that would result in an adjusted offense level
22 of 9 and a range of imprisonment of 4 to 10 months assuming
23 that Mr. Dizenzo falls within Criminal History Category I.

24 Is that accurate, Mr. Edelman?

25 MR. EDELMAN: That's correct, Your Honor.

1 THE COURT: And Mr. Monteleon, have you done your
2 own calculations under the guidelines?

3 MR. MONTELEON: Judge, I have had conversations with
4 Mr. Edelman. We're in agreement regarding the base level, the
5 global resolution acceptance reduction, however, we disagree
6 as to the amount of loss. We believe it's less than 40,000
7 and if we were one level below, it would only be an increase
8 of 4 points.

9 THE COURT: And so if you are correct, with an
10 adjusted offense level of 7, what would the range of
11 imprisonment be?

12 MR. MONTELEON: I believe it would be, Your Honor,
13 zero to 6 months. We fall in Category I, we believe.

14 THE COURT: All right. And Mr. Dizenzo, do you
15 understand the calculations of the government and your
16 attorney?

17 DEFENDANT DIZENZO: Yes, Your Honor.

18 THE COURT: And you understand that it would be up
19 to Judge Block to resolve any dispute regarding the amount of
20 loss and, therefore, the resulting calculation under the
21 guidelines? Do you understand that?

22 DEFENDANT DIZENZO: Yes.

23 THE COURT: And, lastly, Mr. Simonlaj, as to you,
24 the government has calculated an adjusted offense level of 10,
25 again, taking into account the 2 level reduction for global

1 resolution with a further 2 level reduction for acceptance of
2 responsibility. That would result in an adjusted offense
3 level of 8 and a range of imprisonment of 4 to 10 months
4 assuming that Mr. Simonlacaj falls within Criminal History
5 Category II.

6 Mr. Edelman, is that your calculation as to
7 Mr. Simonlacaj?

8 MR. EDELMAN: Yes, Your Honor.

9 THE COURT: And Mr. Colton, have you done your own
10 calculation under the guidelines?

11 MR. COLTON: We have, Your Honor, and it's going to
12 be our position that it is at least 4 levels lower which would
13 yield a sentencing guideline range of zero to 6 months.

14 THE COURT: And what is the basis for your dispute?

15 MR. COLTON: The base level under this particular
16 statute is driven by the alleged loss amount under 2T4.1 and
17 it is our position that the amount of tax that arguably should
18 have been due in 2018 as opposed to 2019, which there is no
19 allegation of falsity for '19, is lower than the government's
20 estimate as to what should have been reported in '18.

21 THE COURT: All right. Mr. Simonlacaj, you heard
22 what the attorneys said. Do you understand their
23 calculations?

24 DEFENDANT SIMONLACAJ: Yes, Your Honor.

25 THE COURT: And do you understand that the dispute

1 regarding how to calculate the guidelines and the loss is a
2 matter that will be resolved by Judge Block?

3 DEFENDANT SIMONLACAJ: Yes, Your Honor.

4 THE COURT: I'm not sure whether that music is
5 someone's phone. Thank you.

6 I want to bring to the attention of the three
7 defendants a particular provision that appears in each of the
8 three agreements and that is paragraph 4. That paragraph
9 provides that the defendant agrees not to file an appeal or
10 otherwise challenge his conviction or sentence in the event
11 that the court imposes a term of imprisonment of a certain
12 number of months or below.

13 In the case of Mr. Campos, that's in the event the
14 court imposes a term of imprisonment of six months or below.
15 In the case of Defendants Dizenzo and Simonlacaj, that
16 provision provides in the event the court imposes a term of
17 imprisonment of 12 months or below.

18 The number inserted in each of those agreements --
19 well, let me just say this. Under this agreement, you and
20 your lawyers are free to argue before your sentence that you
21 should not go to prison for as long as six months. For
22 example, I know that there are some disputes about the
23 guidelines calculations. Those can be litigated before
24 Judge Block. You can take the position that the government,
25 at least in the case of Mr. Dizenzo and Mr. Simonlacaj, that

1 the government has overstated the adjusted offense level. You
2 can make the argument before Judge Block that in any event,
3 you should be sentenced below the applicable guidelines range
4 or if he is inclined to sentence you within the guideline
5 range, to sentence you at the low end of the range rather than
6 the upper end of the range.

7 All of these arguments and other good faith
8 arguments are available to you and your lawyer before
9 Judge Block sentences you. However, because of the language
10 set forth in paragraph four of your plea agreement, once he
11 sentences you, as long as the sentence does not exceed the
12 amount specified in paragraph four, that is the end of the
13 matter. Even if you have lost all your arguments for
14 leniency, even if he rejects any arguments about the
15 overstatement of the guidelines' adjusted offense level, as
16 long as he does not sentence you to prison for more than what
17 is specified in your agreement, that is the end of the matter.
18 You have agreed that you will not file an appeal or otherwise
19 challenge your conviction or sentence in the event that the
20 court imposes a term of imprisonment of the number of months
21 specified or below.

22 Do you understand that, Mr. Campos?

23 DEFENDANT G. CAMPOS: Yes.

24 THE COURT: Do you understand that, Mr. Dizenzo?

25 DEFENDANT DIZENZO: Yes.

1 THE COURT: Do you understand that, Mr. Simonlacaj?

2 DEFENDANT SIMONLACAJ: Yes, Your Honor.

3 THE COURT: You should also understand that parole
4 has been abolished and that if you're sentenced to prison, you
5 will not be released on parole.

6 Do you understand that, Mr. Campos?

7 DEFENDANT G. CAMPOS: Yes.

8 THE COURT: Do you understand that, Mr. Dizenzo?

9 DEFENDANT DIZENZO: Yes.

10 THE COURT: Do you understand that, Mr. Simonlacaj?

11 DEFENDANT SIMONLACAJ: Yes, Your Honor.

12 THE COURT: Do any of you have any questions you
13 would like to ask me about the charge, your rights or anything
14 else relating to this matter?

15 Mr. Campos?

16 DEFENDANT G. CAMPOS: No.

17 THE COURT: Mr. Dizenzo?

18 DEFENDANT DIZENZO: No.

19 THE COURT: Mr. Simonlacaj?

20 DEFENDANT SIMONLACAJ: No, Your Honor.

21 THE COURT: Starting with Mr. Campos, are you ready
22 to plead?

23 DEFENDANT CAMPOS: Yes, I am.

24 THE COURT: Mr. Miedel, do you know any reason why
25 your client should not plead guilty?

1 MR. MIEDEL: No, Your Honor.

2 THE COURT: Are you aware of any viable legal
3 defense to the charge?

4 MR. MIEDEL: No, Your Honor.

5 THE COURT: Mr. Campos, what is your plea to
6 Count 10 of the indictment, guilty or not guilty?

7 DEFENDANT G. CAMPOS: Guilty.

8 THE COURT: Are you making this plea of guilty
9 voluntarily and of your own free will?

10 DEFENDANT G. CAMPOS: My own free will.

11 THE COURT: Has anyone threatened or forced you to
12 plead guilty?

13 DEFENDANT G. CAMPOS: No.

14 THE COURT: Other than the agreement with the
15 government that has been marked Court Exhibit 1, has anyone
16 made any promise to you that has caused you to plead guilty?

17 DEFENDANT G. CAMPOS: No.

18 THE COURT: Has anyone made any promise to you as to
19 what your sentence will be?

20 DEFENDANT G. CAMPOS: No.

21 THE COURT: Again, Count 10 charges you with
22 conspiring or agreeing to make a false statement in connection
23 with the DOL administration of the OSHA Outreach training
24 program between January of 2018 and June of 2019.

25 Did you, in fact, do that?

1 DEFENDANT G. CAMPOS: Yes.

2 THE COURT: Would you tell me in your own words what
3 you did that makes you guilty of the offense charged in
4 Count 10?

5 DEFENDANT G. CAMPOS: Between 2018 and 2019, I
6 agreed with others that false statements would be submitted to
7 the Department of Labor. Specifically, I agreed with others
8 that I would be, represent, represented to the Department of
9 Labor that I attended OSHA certification course when, in fact,
10 I did not. I understand that this was wrong and against the
11 law.

12 MR. MIEDEL: And, Your Honor, this is Florian
13 Miedel. I would just add that we do not dispute that the
14 government says this happened in the Eastern District of
15 New York.

16 THE COURT: All right. And you say that you agreed
17 to do that and did that, in fact, occur? Were those false
18 statements made?

19 DEFENDANT G. CAMPOS: Yes.

20 THE COURT: Mr. Edelman, is there any further
21 inquiry you would like me to make of Mr. Campos?

22 MR. EDELMAN: I don't believe any further inquiry is
23 required, Your Honor. I would just note that we would
24 establish at trial that those false statements were material
25 to the Department of Labor's enforcement of the Outreach

1 training.

2 THE COURT: All right. Before I go on to
3 Mr. Dizenzo, I think what I will do is I will wrap up with
4 Mr. Campos so that if he and Mr. Miedel want to sign off, they
5 can.

6 Well, actually, before I do that, Mr. Edelman, has
7 an oral order and written order been entered under revised
8 Rule 5(f) in this case?

9 MR. EDELMAN: There has not, Your Honor, because as
10 Your Honor knows, Rule 5(f) came out after the case proceeded
11 and we haven't actually been in court since that time but to
12 the extent Your Honor or Judge Block wishes, obviously, that's
13 appropriate and we'll confirm our knowledge of our Brady
14 obligations.

15 THE COURT: Well, I do think it is appropriate since
16 Brady applies not only to guilt but also to punishment so I
17 think what I'll do is I'll keep Mr. Campos and Mr. Miedel on
18 the line. I will go through the allocutions of the other two
19 defendants and at the conclusion, I will state on the record
20 an oral Rule 5(f) order.

21 Mr. Dizenzo, are you ready to plead?

22 DEFENDANT DIZENZO: Yes.

23 THE COURT: And Mr. Monteleon, is there any reason
24 why your client should not plead guilty?

25 MR. MONTELEON: No, Your Honor.

1 THE COURT: Are you aware of any viable legal
2 defense to the charge?

3 MR. MONTELEON: No, Your Honor.

4 THE COURT: Mr. Dizenzo, what is your plea to
5 Count 18 of the indictment, the wire fraud conspiracy charge
6 relating to Construction Company Number 2, guilty or not
7 guilty?

8 DEFENDANT DIZENZO: Guilty.

9 THE COURT: Are you making this plea of guilty
10 voluntarily and of your own free will?

11 DEFENDANT DIZENZO: My own free will.

12 THE COURT: Has anyone threatened or forced you to
13 plead guilty?

14 DEFENDANT DIZENZO: No.

15 THE COURT: Other than the agreement with the
16 government, has anyone made any promises that caused you to
17 plead guilty?

18 DEFENDANT DIZENZO: No.

19 THE COURT: Has anyone made any promise to you as to
20 what your sentence will be?

21 DEFENDANT DIZENZO: No.

22 THE COURT: And I'm going to ask you to mute your
23 audio for a minute.

24 Count 18 alleges that between approximately December
25 of 2018 and June of 2019, you and others conspired to engage

1 in a scheme and artifice to defraud Construction Company
2 Number 2 of its right to honor services and of money and
3 property by means of materially false representations and that
4 interstate e-mails were sent in connection with that scheme.

5 Did you, in fact, do that?

6 DEFENDANT DIZENZO: Yes.

7 THE COURT: Would you tell me in your own words what
8 you did that makes you guilty of Count 18?

9 DEFENDANT DIZENZO: Between December 2018 and
10 June 2019, within the Eastern District of New York, through
11 the use of e-mails, I agreed with others to defraud
12 Construction Company Number 2 by providing materials for
13 construction at White Plains Gym for the benefit of an
14 employee of Construction Company Number 2. I billed an
15 unrelated project of Construction Number 2.

16 THE COURT: In other words, you provided materials
17 personally for use of that employee, but as part of the
18 scheme, his employer was charged for those materials?

19 DEFENDANT DIZENZO: Yes.

20 THE COURT: And you knew that was wrong to do?

21 DEFENDANT DIZENZO: Yes.

22 THE COURT: Mr. Edelman, is there any further
23 inquiry --

24 (Videoconference interruption.)

25 THE COURT: I'm going to ask Mr. Monteleon to mute

1 the audio, please.

2 All right. I was addressing this question to
3 Mr. Edelman.

4 Is there any further inquiry you would like the
5 court to make of Mr. Dizenzo?

6 MR. EDELMAN: Thank you, Your Honor. I don't
7 believe any further inquiry is required, but I note we would
8 prove that the e-mails that were used in connection with the
9 scheme were interstate e-mails given the location of the
10 e-mail server at issue and although Mr. Dizenzo mentioned
11 this, we would, in fact, prove that an act taken in
12 furtherance of the conspiracy occurred in the Eastern District
13 of New York.

14 THE COURT: All right. And turning now to
15 Mr. Simonlacaj, I will note at the outset that this count
16 alleges that the acts occurred in the Southern District of
17 New York so I take it there is going to be a waiver of venue?

18 MR. COLTON: This is Glenn Colton, attorney for
19 Mr. Simonlacaj. We are waiving venue as part of this plea
20 proceeding.

21 THE COURT: All right. Mr. Simonlacaj, are you
22 ready to plead?

23 DEFENDANT SIMONLACAJ: Yes, Your Honor.

24 THE COURT: Mr. Colton, do you know any reason why
25 your client should not plead guilty?

1 MR. COLTON: No, Your Honor.

2 THE COURT: Are you aware of any viable legal
3 defense to the charge?

4 MR. COLTON: No, Your Honor.

5 THE COURT: Mr. Simonlacaj, Count 21 charges you
6 that on approximately March 15th of 2019, you and others
7 knowingly and willfully made and subscribed a false and
8 fraudulent 1040 for the tax year 2018 that was made under the
9 penalties of perjury and filed with the IRS in which you
10 falsely reported a total income of \$534,915 when, as you knew,
11 your total income was substantially greater than that amount.

12 Did you, in fact, commit those acts?

13 DEFENDANT SIMONLACAJ: Yes, Your Honor.

14 THE COURT: Would you tell me in your own words what
15 you did that makes you guilty of the offense charged in
16 Count 21?

17 DEFENDANT SIMONLACAJ: I caused to be made a federal
18 income tax return for 2018 that was filed on or about
19 March 15th of 2019 and that contained a written declaration
20 that it was made under the penalties of perjury. That tax
21 return did not include as income the value of certain progress
22 on my residence that was not paid for. At the time the return
23 was filed, I resided in the Southern District of New York.

24 Beginning in or around the latter part of 2018, my
25 family undertook improvements to our residence which was to be

1 done by various contractors, one or more of which I understood
2 would not be paid in full for their services. A substantial
3 majority of the work on the house was done in 2019, however, a
4 limited portion of the work was performed or begun in 2018.

5 A portion of the work performed or that began in
6 2018 was provided by a contractor that I understood was
7 providing some of their service for free. While I was aware
8 of the high probability that some of the value of work
9 performed in 2018 by a contractor not expecting to be paid
10 should be considered income in 2018 rather than in 2019 for
11 federal tax purposes and should have been reported on the 2018
12 return rather than the 2019 return. I consciously avoided
13 learning that.

14 Despite the fact that the work performed in '18 by a
15 contractor was not being paid in full was a small percentage
16 of the home improvements. I know that I should have paid more
17 attention to what was reportable income for which year rather
18 than consciously avoiding some income and a small percentage
19 should have been reported earlier that year. Despite the fact
20 that I paid all taxes due to the home improvements in
21 connection with the filing of 2019 tax return, I wish I had
22 paid more attention to the timing.

23 I also apologize to the court for my actions.

24 THE COURT: Mr. Edelman, do you have any further
25 inquiry that you would like the court to make of

1 Mr. Simonlacaj?

2 MR. EDELMAN: No, Your Honor.

3 THE COURT: All right. Based upon the information
4 provided to me by each of the three defendants, I find that
5 each defendant is acting voluntarily, that he fully
6 understands his rights and the consequences of his plea and
7 that there is a factual basis for each of the three pleas. I
8 therefore recommend that Judge Block accept each of the three
9 pleas of guilty.

10 Do would have a date for sentencing before
11 Judge Block?

12 THE CLERK: No, Judge. It will be set by Probation.

13 THE COURT: All right. Each of the three defendants
14 should understand that the Probation Department will be
15 preparing a presentence report and I urge you to cooperate
16 with your Probation Officer.

17 Lastly, as I indicated earlier, I do want to put on
18 the record an oral order arising under recently revised
19 Rule 5(f).

20 As I indicated, since Brady applied to punishment as
21 well as guilt, I direct the prosecution to comply with its
22 obligation, under Brady versus Maryland and its progeny, to
23 disclose to the defense all information whether admissible or
24 not that is favorable to the defendant, that is material
25 either to guilt or to punishment and known to the prosecution.

1 Possible consequences for noncompliance may include dismissal
2 of individual charges or the entire case, exclusion of
3 evidence and professional discipline or court sanctions on the
4 attorneys responsible.

5 I will be entering a written order more fully
6 describing this obligation and the possible consequences of
7 failing to meet it and I direct the prosecution to review and
8 comply with that order.

9 Mr. Edelman, do you confirm that you understand the
10 government's obligations, that you have fulfilled them and you
11 will continue to do so?

12 MR. EDELMAN: Yes, Your Honor.

13 THE COURT: All right. Is there anything further
14 that we need to address?

15 MR. EDELMAN: Not from the government, Your Honor.

16 THE COURT: Anything from defendants?

17 MR. MONTELEON: No, Your Honor.

18 MR. MIEDEL: No, Your Honor.

19 MR. COLTON: No, Your Honor.

20 THE COURT: All right. I am going to terminate this
21 proceeding and I hope everyone stays safe and healthy and I
22 apologize for the technical issues at the outset. Goodbye.

23 MR. EDELMAN: Thank you, Your Honor.

24 MR. EDELMAN: Thank you, Your Honor.

25 (Matter concluded.)